IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 35 of 2001

AND

APPEAL FROM ORDER NO 36 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAHENDRABHAI CHUNIBHAI PATEL

Versus

SHAH BHARATKUMAR ARVINDBHAI

Appearance:

1. Appeal from Order No. 35 of 2001

MR HARIN P RAVAL for Appellant No.

MR HM PARIKH for Respondent No. 1-2

MR HC PANDYA for Respondent No. 3,5/A-5/C

RULE SERVED BY DS for Respondent No. 4,6,11-13

..... for Respondent No. 5

MR BG PATEL for Respondent No. 7-10

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 20/01/2005

ORAL JUDGEMENT

1. The appellants have preferred this appeal from order being aggrieved by the order dated 28/09/2000 passed below application exh.5 by the learned Civil Judge (S.D.), Anand in Special Civil Suits No.14 of 2000 and 13 of 2000.

2. I have heard learned counsel for the parties and have perused the relevant documents on record. Now, since trial Court has granted restrained order against the present appellants, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit since the suit is of the year 2000.

3. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of Special Civil Suits No.14 of 2000 and 13 of 2000 pending before the Court of the learned Civil Judge (S.D.), Anand as expeditiously as possible and preferably within a period of two years from the date of receipt of writ of this order. While considering the matter afresh, the trial Court shall not be influenced by the observations made by it in its earlier order.

4. With the above observations and directions, these Appeal from Orders stand disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]

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